

PATENT APPLICATION  
Attorney Docket No.: 1400-1072P9  
Client No.: 10072-US-CIP9

**REMARKS**

Claims 1-6, 8-15, 21-26, 28-41, 48, 50-58, and 60-63 are currently pending, of which claims 1, 32 and 41 are in independent form.

By way of the present response under 37 C.F.R. §1.116, Applicant proposes to amend the following claims in order to place the present application in condition for allowance: claims 1, 3, 6, 8, 10, 32, 38, 40, 41 and 51. Where certain dependent claims are proposed to be cancelled, such cancellation of claims is without prejudice, waiver, limitation or estoppel.

Entry of the present amendments and favorable reconsideration of the present application as currently constituted are respectfully requested.

**Regarding the Priority of the Application**

The Examiner states that the claims of the present application are not entitled to an effective filing date of the priority patent applications. Applicant continues to maintain that under MPEP §201.08, a Continuation-in-Part (CIP) application should be permitted to claim the benefit of the filing date of an earlier non-provisional application if the CIP application otherwise

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complies with 35 U.S.C. §120 and 37 C.F.R. §1.78. Applicant reserves the right to perfect any priority claim as may be deemed appropriate.

**Regarding the Allowable Subject Matter**

Applicant gratefully appreciates the indication of allowable subject matter in respect of the present patent application. In particular, claims 28, 39, 40, 50 and 51 are objected to as being dependent from a rejected base claim, but are indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant has amended base claim 1 to include the subject matter of claim 28, base claim 32 to include the subject matter of claims 37 and 39 and base claim 41 to include the subject matter of claim 50. It is therefore believed that each of the pending base claims as well as the corresponding dependent claims currently active are believed to be in condition for allowance.

**Regarding the Claim Rejections**

In the pending Office Action, a number of references are applied in various combinations to reject the pending claims under 35 U.S.C. §103(a) as being unpatentable. Without acquiescing in

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the claim rejections and/or the rationale therefor, as well as in the characterization of the applied art and/or the present claims provided in the present Office Action, Applicant respectfully submits that all outstanding rejections have been overcome by way of the present response wherein pending base claims 1, 32 and 41 have been amended to include the subject matter indicated to be allowable. It is therefore believed that the base claims as well as their respective dependent claims are in condition for allowance over the art of record.

**Reservation of Rights**

Notwithstanding the foregoing, Applicant reserves all rights available under the Patent Statute not exercised in connection with this response, such as, including but not limited to, e.g., the right to challenge or rebut any reliance on alleged Official Notice(s) and to challenge or rebut any tacit or explicit characterization of any reference or of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections of the present Office Action, or the right to swear behind any cited reference such as provided under 37 C.F.R. §1.131 or otherwise.

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**Fee Statement**

Compared to the highest number previously paid for, the total number of claims and the number of independent claims have not increased. No extension of time is being requested. Accordingly, it is believed that no fees are due for the filing of this response. If any additional fees are due or any overpayments have been made, however, please charge or credit our deposit account (Deposit Account No. 03-1130).

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SUMMARY AND CONCLUSION

In view of the fact that none of the art of the record, whether considered alone or in combination discloses, anticipates or suggests the pending claims, and in further view of the above amendments and/or remarks, reconsideration of the Action and allowance of the present invention are respectfully requested and are believed to be appropriate.

Respectfully submitted,

Dated: March 9, 2009

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